

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION No. 04-10956-WGY

ERNEST OGLETREE,  
Plaintiff

v.

CITY OF ATTLEBORO,  
STURDY MEMORIAL HOSPITAL,  
INC., JAMES G. MACDONALD,  
DOUGLAS JOHNSON, MICHAEL  
BARTUCCA, ROBERT ASTIN,  
and LEWIS RHEAUME,  
Defendants

**PLAINTIFF'S MOTION TO  
CONTINUE STATUS CONFERENCE**

**(ASSENTED TO)**

Ernest Ogletree, the plaintiff, moves this Honorable Court to continue the Status Conference now scheduled for July 7, 2006 to a date convenient to the Court and parties, preferably either August 1, 10, or 11, 2006.

In support of his Motion, the plaintiff states the following:

1. This action has been transferred from the Docket of Judge Keeton to that of Judge Young and scheduled for a Status Conference on July 7, 2006.

2. Plaintiff's counsel is scheduled to commence trial in the Suffolk Superior Court on July 5, 2006 in the case of *Lawrence C. Keeley v. Old Dorchester Post No. 65, Inc., the American Legion, Department of Massachusetts, Building Association Old Dorchester Post No. 65, American Legion, Inc. and Michael E. Hanrahan, as he is Executor of the Will of Francis W. Hanrahan*, Suffolk Superior Court Civil Action No. 2005-03124C,

and is scheduled to commence trial in the Essex Superior Court in Newburyport on July 10, 2006 in the medical malpractice case of *Genevieve Carbone v. Steven J. Andriola, M.D. and Orthopaedics Northeast, P.C.*, Essex Superior Court Civil Action No. 2002-0776B.

3. Both trials are jury trials.

4. The Keeley trial is expected to last approximately two days and the Carbone trial is expected to last approximately one week.

5. The trial justices in both cases will not enter their respective sessions until July 5, 2006.

6. Emergency motions have been served by various parties and witnesses in *Carbone* and likely will be heard by the trial justice during the first week of July.

7. The plaintiff anticipates that the jury deliberations in *Keeley* and/or emergency hearings in *Carbone* likely will be held at the time now scheduled for the Status Conference in the case at bar but recognizes that the plaintiff will not know for certain until immediately before the afternoon of July 7, 2006.

8. The plaintiff respectfully requests that the Status Conference be continued so that his counsel need not be prevented from attending due to trial related proceedings in *Keeley* and/or *Carbone*.

9. The defendants have assented to the instant motion and

will not be prejudiced by its allowance.

10. The parties have consulted about possible alternative dates for the Status Conference and propose the dates listed above.

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1**

On June 27 and 28, 2006, I, Mark F. Itzkowitz, counsel for the plaintiff, discussed the foregoing Motion by telephone conferences with each defendant's counsel. Each of the defendant's counsel assented to the foregoing Motion on behalf of the defendants and authorized me to sign their names in assent to this Motion.

The Plaintiff,  
Ernest Ogletree,  
By his Attorney,

**Mark F.  
Itzkowitz**

Digitally signed by Mark F. Itzkowitz  
DN: CN = Mark F. Itzkowitz, C =  
US, O = Mark F. Itzkowitz, Esquire  
Date: 2006.06.28 16:29:32 -04'00'

MARK F. ITZKOWITZ (BBO# 248130)  
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June 28, 2006

**ASSENTED TO:**

The Defendant,  
James G. MacDonald,  
By his Attorneys,

The Defendant,  
City of Attleboro,  
By its Attorneys,

/s/ JOSEPH L. TEHAN, JR.

JOSEPH L. TEHAN, JR.  
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/s/ CHARLES D. MULCAHY

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The Defendants,  
Sturdy Memorial Hospital, Inc.,  
Douglas Johnson, Michael Bartucca,  
Robert Astin & Lewis Rheaume,  
By their Attorneys,

/s/ DANIEL J. BUONICONTI

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